

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 23, 2007

The Honorable Alberto R. Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Gonzales:

On March 15, 2007, we sent you a letter asking a number of questions about President Bush's extraordinary and troubling decision to block a Justice Department internal investigation of the NSA warrantless wiretapping program. We also requested that you provide all Justice Department documents relevant to this matter.

Yesterday we received a response to our letter from Richard Hertling, Acting Assistant Attorney General, Office of Legislative Affairs. We appreciate Mr. Hertling's response, but his letter raises more questions than it answers, particularly since Mr. Hertling has no first-hand knowledge regarding the matters discussed in his letter. Please respond to the following questions:

- The letter states that you were not told you were a "subject" or "target" of the Office of Professional Responsibility investigation and did not believe yourself to be. As you know, OPR was investigating the role of Justice Department attorneys in authorizing and overseeing the NSA warrantless surveillance program. In light of the scope of the OPR investigation, how could you have been unaware that your actions would be scrutinized?
- The letter states that you recommended to President Bush that OPR be granted security clearances but that the President nonetheless decided not to grant these security clearances. Do you know why the President chose to disregard your recommendation? If so, please explain.

Moreover, we did not receive the documents that we requested. Given the serious questions that have recently been raised about the Justice Department's credibility, we continue to believe it is important to review documents supporting the assertions in Mr. Hertling's letter.

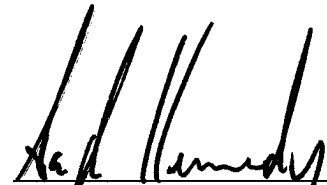
We therefore reiterate our request for you to provide all Justice Department documents relevant to the OPR investigation, including any communications between

you or your office and any other Justice Department component and between you or your office and the White House.

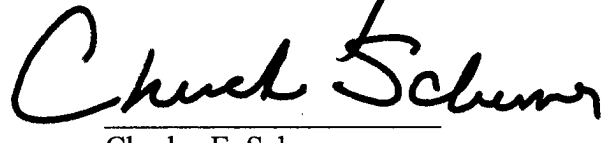
We request that you respond to this letter as soon as possible, and in no case later than Wednesday, March 28.

Sincerely,


Richard J. Durbin


Edward M. Kennedy


Russell D. Feingold


Charles E. Schumer

Attachment